

REMARKS

The enclosed is responsive to the Examiner's Office Action mailed on March 14, 2005 and is being filed pursuant to a Request for Continued Examination (RCE) as provided under 37 CFR 1.114. At the time the Examiner mailed the Office Action claims 31-54 were pending. By way of the present response the Applicants have: 1) amended claims 1 31 and 39. As such, claims 31-54 are now pending. It should be noted that the amendments set forth herein are meant to clarify the language of the claims rather than to render the claims patentable over the cited prior art. The Applicants respectfully request reconsideration of the present application and the allowance of all claims now presented.

The Examiner rejected claims 31-36, 39-44 and 47-52 under 35 U.S.C. §102(e) as being anticipated by Perry et al., U.S. Patent No. 6,160,489 (hereinafter "Perry"). In particular, the Examiner stated that column 6, lines 16-23 of Perry describes vibrating a device in a first predetermined manner based on a caller's identity if a received transmission is a telephone call; and vibrating the device in a second predetermined manner based on the caller's identity if the received transmission is not a telephone call. Applicants respectfully disagree.

Perry describes a radiotelephone which will generate a "distinctive tactile alert pattern" based on either the caller's telephone number or an indication as to whether the incoming signal is a telephone call or a page. For example, as recited in Perry, "the user may program the radiotelephone 101 to selected distinctive tactile alert patterns 301-312 to be generated when a selected corresponding phone numbers are received by the radiotelephone 101." Perry, column 6, lines 3-6. As

an alternate solution, Perry describes how the radiotelephone system may determine the alert pattern:

Alternatively, the one of the plurality of distinctive tactile alert patterns 301-312 is determined by the radiotelephone system 102 in which the radiotelephone 101 operates . . . For example, the radiotelephone system 102 may cause one of the particular distinctive tactile alert patterns 301-312 to be generated when the desired communication signal 121 is an incoming telephone call signal and another one of the particular distinctive tactile alert patterns 301-312 to be generated when the desired communication signal 121 is a incoming page call signal.” (emphasis added). Perry, column 6, lines 7-23.

By contrast, in the present set of claims, the device is vibrated in either a first predetermined manner or in a second predetermined manner based on both the identify of the caller and the identity of the communications medium over which the incoming transmission is received. Thus, under the present set of claims, two different callers and two different communications media might result in four different vibration patterns. For example: Caller 1 + Communication Medium 1 = Vibration Pattern 1; Caller 2 + Communications Medium 1 = Vibration Pattern 2; Caller 1 + Communications Medium 2 = Vibration Pattern 3; and Caller 2 + Communications Medium 2 = Vibration Pattern 4. This is a more complex set of outcomes than the simple 1:1 mapping described in Perry.

Using both caller identify and communications medium to generate a particular vibration pattern would not have been obvious based on Perry. In fact, Perry teaches away from using both the identify of the caller and the identify of the communications medium by describing them as alternate options, rather than combinable options as in the present set of claims.

In light of the comments above, the Applicant respectfully requests the allowance of all claims.

CONCLUSION


For the reasons provided above, applicant respectfully submits that the current set of claims are allowable. If the Examiner believes an additional telephone conference would expedite or assist in the allowance of the present application, the Examiner is invited to call Thomas C. Webster at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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